

Chapter 10

MUNICIPAL COURT*

Sec. 10-1. Creation.

There is hereby created and established a court to be known as a Municipal Court of the Town of Hollywood Park, Texas.

(Code 1985, § 15.101)

Sec. 10-2. Jurisdiction.

The municipal court shall have jurisdiction within the territorial limits of the town in all criminal cases arising under this Code and the ordinances of the town, and shall also have concurrent jurisdiction with any justice courts in all criminal cases arising under the criminal laws of this state in which punishment is by fine only, and where the maximum of such fine may not exceed two thousand dollars (\$2,000.00) for violations of provisions that govern fire safety, zoning or public health and sanitation and may not exceed five hundred dollars (\$500.00) for all others, and arising within such territorial limits.

(Code 1985, § 15.102; Ord. No. 338, 8-20-85; Ord. No. 402, § 1, 9-15-87)

State law reference—Similar provisions, V.T.C.A., Government Code § 29.003.

Sec. 10-3. Judge.

The municipal court shall be presided over by the judge of the municipal court, who shall be appointed by the city council for a term of two (2) years and who shall serve until his successor has been appointed and qualified.

(Code 1985, § 15.103)

Sec. 10-4. Alternate judge.

There is hereby created the office of alternate municipal court judge, appointed by the mayor and confirmed by the city council, to serve during the temporary absence, disability, or disqualification of the regular municipal court judge. He shall have all the power and duties of the office and shall receive the same compensation as is payable to the regular municipal court judge while he is acting.

(Code 1985, § 15.103)

State law reference—Similar provisions, V.T.C.A., Government Code § 29.007(g).

Sec. 10-5. Clerk.

The clerk of the municipal court shall be the city secretary of the town. The clerk shall keep minutes of the proceedings of said court, issue all process, and generally perform all the duties of the clerk of a court as prescribed by law for a county clerk insofar as the same may

***Cross references**—Officers and employees, § 2-41 et seq.; police, § 2-61 et seq.

State law references—Municipal court, V.T.C.A., Government Code § 29.001 et seq.; procedure, Vernon's Ann. C.C.P. art. 45.01.

be applicable. The clerk shall keep a docket wherein, immediately upon filing the complaint, the clerk shall enter the style of action showing name of the defendant, the nature of the offense charged, the date the warrant issued, and to whom. As subsequent proceedings are had therein, the clerk shall immediately enter their nature on such docket. Such docket must in every case show the return on the warrant, the date of the trial, the verdict of the jury, if tried by jury, the judgment of the court, also motion for new trial if any, and the decision thereon; whether an appeal is taken, and to what court, the names of principal and sureties on appeal bond, and the time and manner in which the judgment was enforced. The clerk shall also enter on such docket the amount of the costs accrued, and the date of issuance of capias to enforce such judgment, and in whose hands placed for execution and the return thereon.

(Code 1985, § 15.104)

State law reference—Similar provisions, V.T.C.A., Government Code §§ 29.007(f), 29.010.

Sec. 10-6. City attorney and city prosecutor.

(a) Prosecutions in the municipal court of all criminal cases arising under this Code and the ordinances of the town and under the laws of the state over which said court has jurisdiction, shall be conducted by the city attorney or city prosecutor, both of whom shall be members in good standing of the State Bar of Texas, and residents of Bexar County.

(b) The city attorneys or prosecutors shall be appointed by the city council to serve at the pleasure of the city council.

(Code 1985, §§ 15.105, 15.106)

Sec. 10-7. Rules of practice and procedure; disposition of cases.

It shall be the duty of each police officer to turn in to the court clerk every summons written. The clerk shall then, according to the instructions of the prosecutor, type the complaint, see that it is properly signed and acknowledged by the affiant, and duly filed.

(Code 1985, § 15.201)

Sec. 10-8. Payment of scheduled fines.

The schedule of fines adopted by the city council for offenses they designate is on file in the city secretary's office. The defendant may, if he shall elect, pay to the clerk such fine and state tax as is shown on a schedule of fines which is attached to the summons, and enter his plea of "guilty" or "nolo contendere." No fine shall be accepted which is not in accord with the schedule unless set by the judge in open court.

(Code 1985, §§ 15.202, 15.202.1; Ord. No. 362, § 1, 9-16-86)

Sec. 10-9. Moving traffic violations.

(a) The term "moving traffic violation" shall mean any violation for which a traffic summons was issued while operating a motor vehicle.

(b) Persons having three (3) or more violations within a twelve-month period must make an appearance in court.

(Code 1985, § 15.203; Ord. No. 362, § 1, 9-16-86)

Cross references—General penalty, § 1-13; traffic and motor vehicles, Ch. 17.

Sec. 10-10. Appearance in court.

If the offense pursuant to this chapter is not one shown on the schedule, the defendant must enter his appearance in open court prior to a disposition of his case. No disposition of any case, except as provided in section 10-8, shall be made except in open court.

(Code 1985, § 15.203)

Sec. 10-11. Time for decision.

If, at the conclusion of a trial pursuant to this chapter in open court, the judge shall desire additional time to examine authorities, or for any other reason, he shall note on the jacket of such case "Hold for Decision," and such case shall be resubmitted by the prosecutor for decision in not more than two (2) weeks' time.

(Code 1985, § 15.204)

Sec. 10-12. Warrants of arrest or capias pro fine.

If a warrant of arrest or capias pro fine is executed on a defendant in a criminal case tried in the municipal court, the town shall, upon conviction of said defendant, receive a fee in an amount as specified in Texas Code of Criminal Procedures for the execution of such warrant of arrest or capias pro fine.

(Code 1985, § 15.205)

Sec. 10-13. Certain municipal court fees.

(a) Effective September 15, 1987, the clerk of the municipal court shall be authorized and directed to charge the sum of ten dollars (\$10.00) for services performed in cases in which the defendant requests defensive driving pursuant to the provisions of Vernon's Ann. Civ. St. art. 6701d, § 143A.

(b) Pursuant to state legislative authority granted to municipalities and promulgated in V.T.C.A., Code of Criminal Procedures § 102.017, there is hereby created a municipal court building security fund, and a three-dollar security fee shall be collected as a cost of court from all defendants convicted of a misdemeanor offense in the town municipal court.

(Ord. No. 390, § 1, 9-15-87; Ord. No. 716, 10-16-01)

State law reference—Driving safety course fee authorized, Vernon's Ann. Civ. St. art. 6701d, § 143A.

Sec. 10-14. Failure to appear; special expense and service of warrant of arrest.

(a) This section establishes the offense of failure to appear to a citation or summons issued by an authorized officer of the Town of Hollywood Park, Texas, for an alleged violation of the Laws of the State of Texas, enforcement of which lies within the jurisdiction of the penal

ordinance of the Town of Hollywood Park, Texas, and the person to whom the citation or summons is issued signs the same and promises thereby to make his/her appearance before the municipal court of said city at the date and time stated in such citation or summons and thereafter fails to make his/her appearance at such date and time. Such failure to appear shall constitute a further, separate and additional offense. In the event of such failure to appear, the clerk of the municipal court of the Town of Hollywood Park, Texas, shall cause a complaint to be prepared and filed charging such failure to appear.

(b) In the event any individual charged with an offense within the jurisdiction of the municipal court of the Town of Hollywood Park, Texas, elects, in lieu of appearance or paying the fine assessed by the court, to post his/her bond in the form and manner required by the law and the court, then, prior to the release of any such individual, the clerk of the municipal court shall advise him/her of the date of the next docket of the municipal court of the Town of Hollywood Park. If practicable, such notice shall be in writing and signed by such individual prior to his/her release. In the event the individual is released prior to the receipt of such notice, the clerk of the municipal court shall furnish such notice to such individual by mail as expeditiously as possible.

(c) In the event an individual is released pursuant to his/her bond and fails to appear at the next municipal court docket, such bond or bonds shall be forfeited in the manner provided by law and a new and additional complaint of failure to appear shall be filed. The clerk of the municipal court shall then cause warrants to be issued on the charges as evidence by the original complaint and any applicable charges of failure to appear.

(d) Penalty; processing fee.

(1) Violation of the offense of failure to appear may be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), payable by the defendant to the city treasury.

(2) There is hereby established a thirty-five dollar (\$35.00) executing or processing fee for a warrant, payable by the defendant to the city treasury pursuant to Article 102.011, Texas Code of Criminal Procedure.

(Ord. No. 562, 9-21-93)

Sec. 10-15. Municipal court technology fund.

(a) There is created a municipal court technology fund to finance the purchase of technological enhancements for the municipal court of the town.

(b) A defendant convicted of a misdemeanor offense in the town municipal court shall pay a four-dollar technology fee as a cost of court. In this section, a person is considered convicted if:

(1) A sentence is imposed on the person;

(2) The person is placed on community supervision, including deferred adjudication community supervision; or

(3) The court defers final disposition of the person's case.

(c) The municipal court clerk shall collect the cost and pay the funds to the city treasurer for deposit into the fund to be known as the municipal court technology fund.

(d) The fund may be used only to finance the purchase of technological enhancements for the town municipal court including:

- (1) Computer systems;
- (2) Computer networks;
- (3) Computer hardware;
- (4) Computer software;
- (5) Imaging systems;
- (6) Electronic kiosks;
- (7) Electronic ticket writers;
- (8) Docket management systems;

(e) The municipal court technology fund shall be administered by or under the direction of the city council of the town.

(Ord. No. 682, 10-19-99)

